

#### Outline

- Background
- Analyzing EJ Impacts
- ERR Documentation

#### **BACKGROUND**

## **Evolution of Environmental Justice Concerns**

- Late '70 and early '80s civil rights groups objected to the siting of waste facilities in minority and low income neighborhoods
- 1983 General Accounting Office Study documents a correlation between the location of four hazardous waste sites and the racial and economic status of surrounding communities.
- In 1990, Congressional inquiry of EPA to determine whether "racial minority and low-income populations bear a higher environmental risk burden than the general population."
- EPA Established the Office of Environmental Equity

#### Executive Order 12898 on Environmental Justice (Feb 11, 1994)

- Federal agencies are to make achieving environmental justice part of their Mission
  - Must identify and address disproportionately high and adverse human health or environmental effects of their programs, and activities on minority and low income populations
- Created Interagency Working Group on Environmental Justice
- Requires EPA and other agencies of the Working Group to prepare environmental justice strategies
  - EPA EJ Plan 2014 under development
  - HUD's EJ Plan finalized March 2012
- Research and data collection
- Address subsistence consumption of fish and wildlife

### **President Clinton's Intentions** (EPA-175-N-94-001)

- In accordance with Title VI of the Civil Rights Act of 1964:
  - each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.
- Use the NEPA Process to:
  - Analyze the environmental effects on minority communities and low-income communities
  - Develop mitigation measures to address significant and adverse environmental effects of proposed Federal actions on minority communities and low-income communities
  - Involve the public

## EJ and Title VI of the Civil Rights Act

- 1997—Chester Residents for Quality of Living file suit against the Pennsylvania Department of Environmental Protection for issuing a permit for a waste facility located in a predominantly African American community.
  - Plaintiff's alleged that it violated Section 602 of Title
     VI of the Civil Rights Act
  - District Court Rule Against
  - Upheld in the Third Circuit Court of Appeals
- Established precedent for EJ litigation under Title VI

#### HUD's EJ Strategy (March 2012)

- For HUD, Environmental Justice means:
  - Access to safe and healthy housing
  - Mitigating risk to communities in disaster prone areas
  - Access to housing free of hazards
  - Inclusive sustainable communities free of discrimination
- Recognizes that achieving healthy homes is related to:
  - Quality of environment within the home, <u>and</u>
  - Where the home is located

## HUD's Strategy to be Achieved Through

- Integrating EJ into discretionary funding opportunities
- HUD's Site and Neighborhood Standards tied to Title VI Implementation
- Clarify EJ considerations in Environmental Review Procedures
- Promote fairness, equity and non-discrimination and equal opportunity
- Ensure tribal consultation in HUD program implementation

# HUD EJ Strategy: Implementation through Program Office Efforts

- Build inclusive and sustainable communities free from discrimination
  - Fair Housing Initiatives Program/Fair Housing Agency Program
  - Sustainable Communities Regional Planning Grant/Regional Fair Housing and Equity Assessment
  - Community Development Block Grant Colonias Set-aside program
  - Choice Neighborhoods Program/LEED Standards
- Promote healthy homes free of environmental and health hazards
  - Lead Hazard Control and Healthy Homes Programs
  - Safe and Healthy Homes Investment Partnership
  - Green and Healthy Homes Initiative
  - Development of interagency website healthyhomes.gov

#### Program Office Efforts (cont.)

- Use data tools to expand HUD and public knowledge about environmental justice
  - Disaster Assistance Planning
  - HUD programmatic GIS System
- Supporting tribal self-governance and improving living environments
  - Indian Housing Block Grants
  - Indian Community Development Block Grants
  - 24 CFR Part 58 environmental review, including review of environmental justice concerns

#### ANALYZING EJ IMPACTS

#### **Screening Process**

- Is the proposed activity to be sited in a minority or low income neighborhood?
- Is the project designed to serve minority or low income populations?
- If yes to either of these questions, further analysis is necessary
- If no to both questions, compliance is complete

### Identifying Environmental Justice Concerns

- Does the proposed action pose an adverse effects to low income and minority populations?
  - e.g. construction of a new industrial or waste disposal facility in a minority or low income residential area
- Is the proposed action subject to an existing environmental impact?
  - e.g. siting a housing project in an industrial area with high air toxics concentrations, or an area with a high flood hazard potential

#### Evaluation of Project Specific Environmental Justice Concerns

- Evaluate potential project impacts to the community where the proposed project is to be sited:
  - Will the project pose an adverse effect to the surrounding minority or low income community?
- Project siting:
  - Use Section 58.5(i)(2) contamination and toxics hazards as a point of departure for analysis
  - Use a Geographic Information System (GIS) or EJ databases to evaluation potential impacts

#### **Tools for Evaluating EJ Concerns**

- Easy to use tools are available for determining:
  - Demographics of project locations
  - Potential environmental impact sources
  - Cumulative environmental impacts on specific communities
- Tools:
  - EJ maps & analysis, by location:
     <a href="http://www.scorecard.org/community/ej-index.tcl">http://www.scorecard.org/community/ej-index.tcl</a>
  - EPA's "EJ View" Tool provides information relevant to EJ assessments: <a href="http://epamap14.epa.gov/ejmap/entry.html">http://epamap14.epa.gov/ejmap/entry.html</a>
  - Census data and maps also avail-able at: <a href="http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml">http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml</a>
  - Tract-level data on race & income:
     http://www.ffiec.gov/geocode

#### If Analysis Shows an EJ Concern

- Full EJ analysis is required to analyze risks and develop mitigation measures
- Options:
  - Avoid
  - Mitigate
- Public involvement and participation of affected community is required
- EJ mitigation Plan required
  - Approved by the affected community
  - Approved by the RE

## DOCUMENTATION FOR THE ERR

#### Documentation for the ERR

- Demographics Analysis
  - Documents the presences or absence of low income or minority populations in the project area
- Maps with project site clearly delineated with respect to source of pollution
  - Documents no impact, or
  - Describes potential hazards sources
- EJ Analysis
- EJ Mitigation Plan
- Public Participation Report
- Written approvals of EJ Mitigation Plan
- Mitigation measures must be included in the Project Description of HUD Form 7015.15